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5	Of counsel:	
6 7 8 9 10 11 12 13	David S. Godkin (Admitted pro hac vice) James E. Kruzer (Admitted pro hac vice) BIRNBAUM & GODKIN, LLP 280 Summer Street Boston, MA 02210 Tel: (617) 307-6100 Fax: (617) 307-6101 godkin@birnbaumgodkin.com kruzer@birnbaumgodkin.com Attorneys for Plaintiff, SIX4THREE, LLC, a Delaware limited liability company	
14   15	UNITED STATES DISTRICT COURT	
16	NORTHERN DISTRICT OF CALIFORNIA	
17 18 19	SIX4THREE, LLC, a Delaware limited liability company,  Plaintiff,	) Case No. 3:17-cv-00359-WHA ) DECLARATION OF DAVID S. GODKIN ) IN SUPPORT OF ADMINISTRATIVE ) MOTION TO FILE UNDER SEAL
20	v. FACEBOOK, INC., a Delaware corporation	) Date: February 16, 2017
21	and DOES 1 through 50, inclusive	) Time: 8:00AM ) Ctrm: 8
22	Defendants.	) Judge: Honorable William H. Alsup
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Case No. 3:17-cv-00359-WHA GODKIN DECL. ISO ADMINISTRATIVE MOTION TO SEAL

## I, David S. Godkin, declare:

- 1. I am a partner in the law firm Birnbaum & Godkin, LLP and am counsel for Six4Three, LLC ("643") in the above-captioned action. I have been admitted *pro hac vice* in this case.
- I submit this Declaration in support of plaintiff's Administrative Motion to File
   Under Seal
- 3. 643 moves to file under seal Exhibits 3 through 19 of the Declaration of David S. Godkin in Support of Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Remand and portions of the reply memorandum referring to these exhibits. Exhibits 4 through 19 are emails that Defendant Facebook, Inc. ("Facebook") has designated "Confidential" pursuant to the Section 2 of the Protective Order entered into in the state court case by Judge Jonathan Karesh of the San Mateo Superior Court on October 25, 2016. This Protective Order is attached hereto as Exhibit 1. Exhibit 3 is a letter from 643's counsel to Facebook's Counsel on January 10, 2017 summarizing 643's review of discovery to date and summarizing the basis for its Motion to Compel production of documents in the custody of key Facebook executives. Exhibit 4 relies on selections of and characterizes documents that Facebook designated "Confidential" under the Protective Order.
- 4. 643 sought Facebook's assent to file these documents under seal and obtain a stipulation to this effect by emailing all counsel of record for Facebook on February 8, 2017 with copies of documents attached to the email. In view of today's filing deadline for 643's Reply papers, 643 asked Facebook to respond by 6:00 pm PST on February 8, 2017. Facebook's counsel responded on February 9, 2017 that Facebook "will file a responsive declaration to 643's motion to seal as appropriate under L.R. 79-5(e)." Facebook's counsel did not directly respond to 643s request to stipulate to filing the document under seal.

## 5. I declare the foregoing to be true and correct as of the date listed immediately 1 below. 2 3 DATED: February 9, 2017 By: <u>/s/ David S. Godkin</u> 4 David S. Godkin 5 Attorney for Six4three, LLC 6 7 8 9 **CERTIFICATE OF SERVICE** 10 The undersigned hereby certifies, under penalty of perjury under the laws of the State of 11 California, that I electronically filed the foregoing document with the Clerk of the Court using 12 the CM/ECF system which will send notification of such filing to the following: 13 Sonal N. Mehta 14 Laura E. Miller Catherine Y. Kim 15 Durie Tangri LLP 16 217 Leidesdorff Street San Francisco, CA 94111 17 SMehta@durietangri.com LMiller@durietangri.com 18 CKim@durietangri.com 19 DATED: February 9, 2017 20 By: /s/ David S. Godkin 21 David S. Godkin 22 23 24 25 26 27 28